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Counsel for Pocatello Dental Group, P.C.

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

POCATELLO DENTAL GROUP, P.C.,
an Idaho professional corporation,

Plaintiff,

vs.

INTERDENT SERVICE CORPORATION,
a Washington corporation,

Defendant.

Case No. CIV 03-450-E-BLW

INTERDENT SERVICE CORPORATION,
a Washington corporation,

Counterclaimant,

vs.

POCATELLO DENTAL GROUP, P.C., an
Idaho professional corporation; DWIGHT G.
ROMRIELL, individually; LARRY R.
MISNER, JR., individually; PORTER
SUTTON, individually; ERNEST SUTTON,
individually; GREGORY ROMRIELL,
individually; ERROL ORMOND, individually;
and ARNOLD GOODLIFFE, individually;

Counterdefendants.

**MOTION TO EXTEND TIME
TO DISCLOSE EXPERT
WITNESSES AND REPORTS**

COMES NOW the Plaintiff, by and through its attorneys of record, and moves the Court for its order relieving Plaintiff from its obligation to disclose expert witnesses pursuant to Fed. R. Civ. P. 26 and Local Rule 26.2 because of the Defendant Interdent Service Corporation's refusal to timely and fully respond to Plaintiff's discovery requests.

In support of its motion Plaintiff represents the following:

1. Plaintiff timely commenced written discovery pursuant to the Rules only to be faced with ISC's comprehensive evasion of the requests and its intractable refusal to respond or resolve in good faith existing discovery disputes. Reference is made to Plaintiff's Rule 37 motion on file hercin and its supporting brief.
2. Pursuant to the parties' stipulated litigation plan, and the Court's Scheduling Order dated April 7, 2004, Plaintiff is required to disclose its expert witnesses on July 15, 2004.
3. Plaintiff has retained the services of a Certified Public Accountant to provide it with forensic accounting services and expert witness opinions on financial matters related to the claims of the parties. ISC has refused to timely provide financial and accounting records pursuant to Plaintiff's timely discovery requests, thus Plaintiff's accounting expert witness has been unable to review any of the financial document upon which his opinions will be based. Until such documents are produced by ISC the Plaintiff's accounting expert is unable to render an opinion, provide a report, or otherwise comply with Fed. R. Civ. P. 26 and Local Rule 26.2. Plaintiff seeks this court's order extending Plaintiff's time to disclose any opinions or other required information regarding its accounting expert until after a reasonable time following ISC's full disclosure of the financial information requested by the Plaintiff.¹

¹See, Plaintiff's Rule 37 Motion, paragraphs C., E., G., L., N., R., S., X., and CC.
Motion to Extend Expert Witness Disclosure
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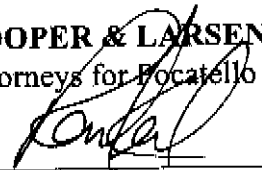
4. Plaintiff will otherwise timely disclose its expert witnesses on July 15, 2004, however as a part of this motion the Plaintiff is asking the Court to also grant Plaintiff leave to later file amended disclosures of these expert witness opinions and reports. This relief is needed because much of the financial and non-financial records and other information sought by Plaintiff in its discovery requests bear on matters within the scope of these expert witnesses' opinions. ISC has refused to timely provide relevant records and answers to interrogatories and requests for admission pursuant to Plaintiff's timely discovery requests. For that reason the Plaintiff's expert witnesses have been unable to review information and documents wholly within the control of ISC which may bear on their opinions. Until such information and documentation are produced by ISC the Plaintiff's expert witnesses are unable to render full and complete opinions, provide comprehensive reports, or otherwise comply with Fed. R. Civ. P. 26 and Local Rule 26.2. Plaintiff seeks this court's order granting it leave to supplement its expert witnesses disclosures until a reasonable time following ISC's full disclosure of the financial information and other information requested by the Plaintiff in its discovery requests.

CONCLUSION

Absent ISC's full disclosure of financial and accounting records (which it admittedly has not done, through no fault of Plaintiff), the Plaintiff's accounting expert is without the data needed to render an opinion and generate a report. In addition, other experts testifying on behalf of the Plaintiff have had their "hands tied" by ISC's systematic evasion of the Plaintiff's discovery requests and ISC's intractable refusal to respond to, or resolve in good faith, existing discovery disputes.

Dated this 12 day of July, 2004.

COOPER & LARSEN, CHTD.
Attorneys for Focatello Dental Group

By 
Ron Kerl

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 12 day of July, 2004, I served a true and correct copy of the

foregoing document as follows:

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